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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

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Plaintiff,

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v.

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CALVIN PENDAR,

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Defendant.

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\_\_\_\_\_/ No. CR 10-00087 JSW

**ORDER NOTIFYING PARTIES  
THAT COURT INTENDS TO  
REJECT PLEA AGREEMENT**

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This matter is scheduled for Judgment and Sentencing on July 8, 2010. The Court has received and considered the Presentence Investigation Report and the parties' Sentencing Memoranda. The parties concede that they did not set forth the correct Offense Level in the Plea Agreement, however they urge the Court to accept the Plea Agreement. The Court is issuing this Order to notify the parties in advance of the sentencing date that it does not intend to accept the Plea Agreement. *See United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008) ("All sentencing proceedings are to begin by determining the applicable Guidelines range. The range must be calculated correctly.").

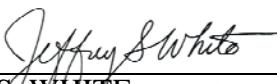
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**IT IS SO ORDERED.**

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Dated: July 7, 2010

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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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